

COUNTY OF YORK

MEMORANDUM

DATE: May 6, 2004 (BOS Mtg. 5/18/04)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application Nos. ZM-84-04 and UP-634-04, Kenneth Dale Moore,
c/o MRP, LLC

ISSUE

Application No. ZM-84-04 seeks to amend the York County Zoning Map by reclassifying approximately 9.01 acres of land located along George Washington Memorial Highway (Route 17) and Whites Road (Route 1216) from R20 (Single-Family Residential) to IL (Limited Industrial). The property is located approximately 250 feet north of the intersection of George Washington Memorial Highway and Whites Road and is further identified as Assessor's Parcel No. 24-133 and a portion of Assessor's Parcel No. 24-128.

Application No. UP-634-04, which is contingent on the approval of Application No. ZM-84-04, is a request, pursuant to Section 24.1-306 (Category 14, No. 6 and Category 15, No. 4(b)) of the York County Zoning Ordinance, to authorize construction of a mini-storage warehouse facility, including accessory auto, truck, boat and recreational vehicle storage, and to authorize access through the GB-General Business district to a proposed contractor's shop with outdoor/exposed storage on the above-noted property (Section 24.1-252(a) of the Zoning Ordinance specifies that access to a use is considered part of the use and requires an equivalent or greater intensity zoning; hence the need for use permit approval to cross the GB portion of the property).

DESCRIPTION

- **Property Owners:** Kenneth Edlow, Ralph D. Edlow, Arthur F. Edlow (Parcel No. 24-128), David M. Jernigan (Parcel No. 24-133)
Applicant is contract purchaser
- **Location:** 7307 George Washington Memorial Highway (Route 17)
122 Whites Road (Route 1216)
- **Area:** Rezoning: 9.01 acres
SUP: 9.88 acres
- **Frontage:** George Washington Memorial Highway: Approximately 150 feet
Whites Road: Approximately 235 feet
Greene Drive: Approximately 50 feet
- **Utilities:** Public water and sewer

- Topography: Flat
- 2015 Land Use Map Designation: Medium-Density Residential and General Business
- Zoning Classification: GB – General Business
R20 – Medium-density Single-family Residential
WMP – Watershed Management and Protection Area Overlay
EMA – Environmental Management Area Overlay
- Existing Development: None
- Surrounding Development:

North: Greene Industrial Park, Redline Motorsports
East: Single-family residential, shopping center across Route 17
South: Single-family residential, convenience store
West: Vacant, Harwoods Mill Reservoir property
- Proposed Development: Mini-storage warehouses, including accessory auto, truck, boat and recreational vehicle storage, contractor's shop with outdoor/exposed storage, additional potential future uses as allowed per proffer statement.

CONSIDERATIONS/CONCLUSIONS

1. One of the two subject parcels is zoned R20 (Medium Density Single Family Residential) and the other is split-zoned: the portion fronting on Route 17 is zoned GB (General Business) and the rear portion is zoned R20. The applicant would like to reclassify the R20 portion of the property, consisting of 9.01 acres, from R20 to IL (Limited Industrial) and to obtain approval of use permits to establish access across the GB district for a contractor's storage yard (to be located in the IL district) and to establish a mini-storage warehouse facility with accessory auto, truck, boat and recreational vehicle (RV) storage, and to allow potential future development of various other uses permitted in the IL district. The GB portion of the property is not the subject of the rezoning request. The Comprehensive Plan designates this area for Medium Density Single-Family Residential and General Business uses and the area to the north for Limited Industrial uses.
2. The applicant's sketch plan indicates thirteen mini-storage warehouse buildings of varying sizes encompassing approximately 92,450 square feet of floor space (assuming one-story structures) in the area to be rezoned IL. The applicant's proffers also indicate storage of autos, trucks, RVs and boats as a permitted use within this district. Although the applicant's sketch plan indicates a contractor's storage yard of approximately 5,000 square feet, the applicant has proffered a maximum size of 12,000 square feet for this use. Access to the contractor's yard and mini-storage warehouse facility is proposed to be a single driveway

connecting to Route 17 through the GB zoning district. As these uses require a SUP in the GB district, the front portion of the property is included under the SUP application. Two commercial buildings of 5,000 square feet and 3,000 square feet respectively, are proposed in the area zoned GB fronting on Route 17. The applicant has indicated the smaller of the two buildings would house a contractor's shop to be associated with the above-noted storage yard. The contractor's shop is permitted as a matter-of-right (w/o need for a SUP) in the GB-General Business district as long as there is no outdoor/exposed storage.

3. The applicant has provided an elevation sketch depicting two buildings on the front portion of the property (the portion currently zoned GB). The buildings are labeled "Proposed Commercial" on the Concept Plan. It is important to note that these buildings, while attractive with the brick façade and mansard roof treatment, are **not** part of the applications before the Board. The applicant has indicated there will be no office for the mini-warehouses at this site and that it will be monitored and managed remotely from his existing mini-warehouse facility further south on Route 17 near Wolftrap Road. Nevertheless, consistent with previous cases, I am recommending an approval condition that requires brick or architectural block and gable or mansard roofs for the facades of the mini-warehouse buildings or any office/support structures associated with the mini-warehouse complex that face Route 17.
4. As noted above, the applicant has not proffered the building elevation rendering, and has indicated that the plan for the mini-warehouse complex is conceptual in nature and final development of the property may include a smaller number of warehouse units to allow space for development of other uses that would be allowed pursuant to proffers for the proposed IL district. In accordance with the proffers submitted by the applicant, use of the IL portion of the property would be limited to the following:

By-Right in IL District

Aquaculture
Retail/wholesale plant nursery with accessory contracting equipment
Animal hospital without outside runs
Commercial orchard
Technical, vocational school
Government offices, library, public safety facilities
Government park and recreation facilities
County correctional facility
Indoor health/fitness center
Commercial or private marina, dock, boating facility
Office equipment and supplies
Storage shed and utility building sales/display
Broadcasting studio
Photo studio, film processing lab
Offices

Printing, photocopying, blueprinting, mailing services
Helipad
Office park
Industrial park
Wholesale auction with or without outside storage
Wholesale trade establishment with or without outside storage
Research/development labs
Publishing, printing
Computer and technology development and assembly
Contractor's shop with or without outside storage*
Window and auto glass sales, distribution and installation
Sewage pump/lift station
Radio, television, microwave facilities
Manufacture and assembly:
 Electronic instrument manufacture and assembly
 Medical, drafting, marine, photographic instruments
 Ice
 HVAC equipment, tools, hardware, firearms
 Musical instruments, toys
 Food and food products

Special Use Permit in IL District

Public or private elementary, intermediate, high school
Auto storage (excluding auto towing/impoundment yard)
Mini-storage warehouses*
Construction trailer storage yard
Sewage treatment plant
Water purification facilities
Water storage towers
Major utility transmission facilities other than normal/essential services

The following uses are not permitted in the GB district; therefore, access to these uses from Route 17 (through the GB district) would be prohibited. Access would be available only via Greene Drive.

Aquaculture
Commercial or private marina, dock, boating facility
Industrial park
Manufacture and assembly:
 Electronic instrument manufacture and assembly
 Medical, drafting, marine, photographic instruments
 Ice
 HVAC equipment, tools, hardware, firearms
 Musical instruments, toys
 Food and food products
Auto Storage (excluding auto towing/impoundment yard)

Construction trailer storage yard
Sewage treatment plant
Water purification facilities

The following uses are permitted in the GB district with a SUP; therefore, access to these uses from Route 17 (through the GB district) would require a SUP.

Retail/wholesale plant nursery *with accessory contracting equipment storage*
Commercial orchard
Storage shed and utility building sales/display
Helipad
Wholesale auction *with outdoor storage*
Research/development labs
Contractor's shop *with outdoor storage**
Radio, television, microwave facilities
Mini-storage warehouses*
Water storage towers
Major utility transmission facilities other than normal/essential services

* use requested under current SUP application

5. The subject parcels are located on Route 17 and Whites Road and are designated for General Business uses (Route 17 frontage) and Medium-density Residential development in the Comprehensive Plan in recognition of existing residential and commercial land uses. Areas immediately north are designated for Limited Industrial use. Because of their relatively long and narrow shape, the parcels are not well-suited for residential development standing alone. Even when assembled (as proposed by the applicant) the shape essentially dictates that a residential subdivision would involve a series of lots along an extension of Whites Road which would back up to the existing Greene Industrial Park. In my opinion, that would not be a desirable situation given the existing uses within Greene Industrial Park and the absence of any perimeter buffer. In that respect, the applicant's proposal to assemble the parcels and to develop mini-warehouses (which would be a quiet, low-intensity and relatively compatible neighbor to adjacent residential uses) on at least part of the property appears worthy of consideration. On the other hand, if the properties were to be assembled and developed for R20 use, the residential developer would be responsible for providing a Type 50 Transitional Buffer along the northern property line adjacent to Greene Industrial Park.

Since the Comprehensive Plan is not intended to be property line-specific, it is reasonable to consider rezoning requests such as this and to find them consistent with the Comprehensive Plan's Land Use Map. In this case, there are various factors to be considered, including: compatibility with the surrounding area; consistency with the Board of Supervisors' policies to expand the County's tax base and to identify appropriate opportunities for conversion of residentially-zoned property to non-residential use; and, consistency with aesthetic objectives

and policies. The conditional zoning process offers the opportunity to ensure that the proposal addresses these and other issues appropriately.

With respect to aesthetic considerations, the Comprehensive Plan's Land Use element contains a specific goal for enhancement of the visual appeal of the Route 17 corridor. Plan Strategy 7.1 identifies specific tools, including the following, that should be used to protect the Route 17 corridor:

- Preserving and protecting existing mature trees
- Establishing new landscaped areas within existing and new development
- Maximizing building setbacks so as to provide opportunities for incorporation of green areas in highly visible areas and the retention of appropriate amounts of green space in the event of right-of-way expansion.

Additionally, the Route 17 Corridor Master Plan recommends quality streetscape and landscape improvements for this section of the corridor that include a mix of evergreen and deciduous trees and shrubs and also emphasizes retention of existing stands of trees where they exist perpendicular to the highway. The required 50-foot transitional buffer along the southern border of the property will ensure the protection of the existing tree stand within that area. Other landscaping enhancements, as required by Section 24.1-242 of the Zoning Ordinance, will be evaluated as part of the site plan review process.

6. The western sides of the subject parcels border the headwaters of the Poquoson River, and the entire site is located within the Harwoods Mill Reservoir watershed. Accordingly, the property is subject to the WMP - Watershed Management and Protection Area and the EMA - Environmental Management Area overlay districts. A 200-foot vegetative buffer is required parallel to the river pursuant to WMP overlay district standards, and an undisturbed 100-foot RPA - Resource Protection Area buffer is required pursuant to EMA overlay district standards. Additionally, approximately one-half of the property (west end) is located within RMA - Resource Management Area associated with the EMA overlay district. The applicant's sketch plan indicates the requisite 200-foot buffer strip parallel to the adjacent river. In accordance with Section 24.1-376(e) of the Zoning Ordinance, a water quality impact study will be required prior to approval of any development activities on the property. I am recommending there be no reduction of the 200-foot buffer, and a special use permit approval condition addresses this issue assuming that the back portion of the property remains a part of the mini-storage warehouse complex.

All new development, both residential and commercial, is required to maintain pre-development storm water runoff rates of flow from the site. Storm water flows will certainly be greater for a commercial site containing a higher amount of impervious surface as compared to a residential subdivision, but on-site detention requirements are the same for either type of development. The sketch plan submitted by the applicant indicates a storm water detention area at the western

end of the site. Water quality will be of concern if the site is developed for storage and maintenance of construction equipment and/or other vehicles. However, the previously noted water quality impact study and subsequent Environmental and Development Services staff review will address the need and/or requirement for additional water quality measures to supplement the detention area if deemed necessary.

7. As with previous mini-storage warehouse use applications, I have concerns about the views of proposed mini-storage warehouses from Route 17 as well as from Whites Road and the residential properties along it. In this instance, the warehouse units would be located within the IL portion of the site, and two proposed commercial buildings that are **not** a part of this application **may**, either initially or eventually, be located adjacent to the Route 17 frontage and in front of the proposed contractor's storage yard and warehouse units. If developed, these commercial buildings could serve to partially screen the contractor's yard and warehouses from Route 17. The Zoning Ordinance would require a 50-foot transitional buffer between the IL and R20 zoning districts, and the applicant's sketch plan indicates this buffer. However, the existing vegetation within the buffer area is completely deciduous, and some removal of existing trees will likely be necessary to develop the property as shown on the sketch plan. The standard Type 50 Transitional Buffer requirement calls for evergreen trees and shrubs, with a maximum of 50% of the required landscape credits to be earned from shrubs. The applicant has proffered a double staggered row of evergreen trees with a planting height of 5 feet along the common border of the occupied residential properties on Whites Road (opposite the contractor's storage yard) as a way to supplement this portion of the Transitional Buffer and provide additional screening benefits for the adjacent existing residences. Since the minimum planting height required in accordance with Section 24.1-242(h)(2) of the Zoning Ordinance is 6 feet, this proffered landscaping will be in addition to that required to meet the basic provisions of the Transitional Buffer requirements. I believe that this supplementary landscaping, plus the 8-foot high fence proffered by the applicant, will provide a reasonable visual buffer between the contractor's yard and the adjacent residences.
8. Aside from the visual impacts, I have concerns regarding the proposed location of the contractor's outdoor storage yard and its potential impact, especially from noise and fumes, on the adjacent occupied residential properties located on the north side of Whites Road. Environmental and Development Services staff estimate that at least two dozen vehicles and or pieces of construction equipment could be stored in a yard of 12,000 square feet (size noted in the applicant's proffers). As noted above, the applicant has proffered installation of an eight-foot fence for the facility, but many types of construction vehicles and equipment are greater than eight feet in height and the noise associated with the equipment may still be disturbing to the adjacent residences. The applicant's proffer of supplementary landscaping will help to address this, as will the proffer concerning hours of operation. In addition, the applicant has proffered that the equipment stored at the site will be owned by him, which is an effort to allay concerns about

the operation growing into a major contracting business operation (the applicant has indicated that he is not currently in the contracting business and has no plans to re-establish his former site development/land-clearing contracting business that was formerly located in Victory Industrial Park - although that remains a possibility under the terms of this application). Nevertheless, a 50-foot buffer between IL and R20 property is the basic policy of the Zoning Ordinance, and the applicant's proposal complies with, and even exceeds (to the extent that supplementary landscaping is provided), the basic County policy.

9. The Virginia Department of Transportation has expressed concerns regarding heavy construction vehicles and equipment accessing or exiting the site and making U-turns at the Whites Road or Greene Drive median breaks (see attached letter dated April 6, 2004 from Anthony Handy, Assistant Resident Engineer). While VDOT's recommendation is that access to the contractor's yard be from Green Drive, Mr. Handy has specified conditions under which the applicant's proposed access directly from Route 17 would be permitted (i.e., a right turn lane with 150' of taper and 150' of storage). The applicant has been advised of VDOT's concerns but has indicated that his plans for the property would not allow access from Greene Drive to the contractor's storage yard.

I understand and respect VDOT's concerns about the U-turn movements at the Whites Road and Greene Drive median breaks. However, it is important to note that a contractor's shop with no outside storage is permitted as a matter-of-right in the GB-General Business District (as the front portion of the property is currently zoned) and that could involve the same type of traffic movements. In addition, there are numerous other business and even some limited industrial uses permitted as a matter-of-right in the GB District which could be built on the site and which could involve tractor-trailer and other large truck traffic. Yes, the applicant is asking to have the back portion of the property rezoned and that is something that could be denied (or rezoned to a lesser intensity); however, denial of the rezoning, or even the use permit to grant access to the contractor's yard, would not guarantee that the subject median breaks would be saved from additional U-turn truck movements. As with other commercial properties along Route 17, I believe that VDOT's entrance and turn lane design standards should be applied to access proposals for this site (i.e., during site plan review) and that, if conditions warrant, VDOT should exercise its authority to address traffic movements (e.g., prohibiting U-turns, etc.) within the right-of-way.

According to the Institute of Transportation Engineers Trip Generation Manual (7th Edition), a mini-storage facility of the size shown on the applicant's sketch plan could be expected to generate 231 trips per day, including 14 in the AM peak hour and 24 in the PM peak hour. If the property were developed as a 12-lot subdivision, it would likely generate 120 trips per day, 9 in the AM peak hour and 12 in the PM peak hour.

The applicant has voluntarily proffered that many of the uses normally permitted in the IL-Limited Industrial District will not be allowed on the property. The

applicant has excluded many of the uses that could have detrimental impacts on the adjacent residential property. While there are still several uses that would remain permitted that could have impacts, the 50-foot Transitional Buffer along the property's southern boundary will ensure a degree of protection. One use that I would call to your particular attention is a "helipad" and the applicant has indicated his intention of locating one on the property to accommodate the helicopter that he owns and operates as a hobby/recreation. I have the same concerns with this use as is noted above for the contractor's storage yard with respect to noise, screening, and adverse impacts to the existing nearby residences. Neither the State nor Federal Aviation Administration regulates the proximity of helicopter landing pads to adjacent residences so the applicant will have the ability, assuming the reclassification to IL, to locate the landing pad subject only to avoiding the required perimeter buffer areas.

10. The fiscal impact of a mini-storage warehouses complex and a contractor's storage yard would be positive compared to the housing that could be developed on the property. However, the fiscal impact of the mini-storage warehouse and contractor's yard uses would be small compared to other uses, such as office, permitted in the IL district. Nevertheless, as noted previously, a mini-warehouse complex can be a quiet and compatible neighbor to residential property, as evidenced by the existing facilities adjacent to the Willow Lakes, Foxwood and Belmont residential developments.
11. At this time, it is unknown if existing sewer facilities serving the property are adequate to accommodate all potential uses for the site. There is an existing 2" force main running along Route 17, but Environmental and Development Services staff have indicated that a capacity upgrade may be needed depending on the intensity of future development on this site.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on April 14, 2004 and, subsequent to conducting a public hearing at which no one spoke other than the applicant and one of the subject property owners, voted 3:2 (Davis and Heavner absent) to recommend denial. Concerns expressed by Commission members included increased storm water flows, water quality and environmental impacts on the Harwoods Mill Reservoir watershed, impacts on abutting residential properties, and potentially unsafe traffic movements of construction vehicles and contractor's equipment accessing the site. (For additional details, refer to the attached Planning Commission meeting minutes.)

RECOMMENDATION

While there are some concerns about a few of the uses (particularly the contractor's yard and helipad) that would remain permitted on the property if it is reclassified to IL, I believe that the applicant's proffers and the intended use of at least a portion of the property for a mini-warehouse complex represent a reasonable proposal. The reclassification and the accompanying Special Use Permit will allow the mini-warehouse

project to be developed on property with the characteristics that both the Planning Commission and Board have recommended to this applicant – i.e., convenient to the population, but not something that would consume valuable and highly visible commercial frontage. The proposal is consistent with the Board's objective of expanding the commercial tax base and of entertaining proposals for conversion of existing residentially zoned property. The applicant has proffered to supplement the basic landscaping provisions for the portion of the Transitional Buffer adjacent to the proposed contractor's storage yard, and to limit hours of operation – both of which I believe are essential factors given its location near existing residences. While there might be some debate as to the adequacy of those measures or the appropriateness of the location, the proposed zoning pattern is exactly what exists today (i.e., R20 adjacent to IL) and the enhanced buffer (per the proffers) will exceed what would otherwise be required if that residentially zoned property were to develop next to the Greene Drive properties (any of which can be used as a matter of right for all the uses allowed in the IL-Limited Industrial District).

I share VDOT's concern about traffic movements, traffic safety and access management at this and other locations on Route 17. However, to preclude the type of heavy truck movements that VDOT suggests would be to preclude at least some of the uses that are allowed as a matter of right in the GB-General Business District. The applicant's proposal, even though it will include a contractor's storage yard, will generate relatively low traffic volumes compared to some of the uses that might otherwise be developed on just the existing GB-portion of the property. While the Special Use Permit for access to the contractor's yard could be denied, that would not guarantee that heavy truck traffic would not be associated with the site (since an indoor contractor's shop would be permitted as a matter-of-right). I believe that the site plan review and entrance design standards that will apply to development of the site will provide appropriate opportunities to address the access requirements.

Based on the above noted considerations and conclusions, I recommend that the Board approve these applications. This may be accomplished through the adoption of proposed Ordinance No. 04-9 and Resolution No. R04-84.

Carter/3337:AMP

Attachments

- Excerpts from Planning Commission minutes, April 14, 2004
- Zoning Map
- Concept Plan
- Applicant's Project Narrative
- Applicant's Proffer Statement
- Elevation of mini-warehouse units (submitted by applicant)
- Letter from Virginia Department of Transportation dated April 14, 2004
- Proposed Ordinance No. 04-9
- Proposed Resolution No. R04-84